

## **REMARKS**

### **Amendments**

#### ***Amendments to the Claims***

Applicant has amended the independent claims to clarify that the claimed data comprises a content file, and that the claimed clients are operated by users of the content file. No new matter has been added as a result of these amendments as they are supported by the dependent claims as originally filed, and in paragraph 22 on page 6, *intra alia*, of the specification as originally filed.

### **Rejections**

#### ***Rejections under 35 U.S.C. § 102(e)***

#### **Claims 1-4, 7-11, 14-21, 24-29, 30, 31, 33, 36-40 and 43-50**

Claims 1-4, 7-11, 14-21, 24-2, 30, 31, 33, 36-40 and 43-50 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication 20030174861 to Levy et al. Applicant does not admit that Levy is prior art and reserves the right to challenge it at a later date. The Examiner is correct that Applicant intended that claim 12 be cancelled as indicated in the listing of the claims above. In addition, Applicant previously cancelled claims 3 and 29, so the currently pending claims are 1, 2, 4, 7-11, 14-21, 24-28, 30, 31, 33, 36-40 and 43-50.

Levy discloses a system of distributors licensed to distribute content to end users. The distributors include owners of the content, such as the artist or copyright holder. The distributors can embed links (OID) in the content that points to additional information associated with the content, i.e., metadata. Levy further discloses that if an end user receives content without a link, the end user can embed a link to metadata created by the end user. Subsequent end users of the content will then be directed to the metadata created by this end user.

The Examiner appears to be equating Levy's content owner to Applicant's claimed client. However, Levy does not disclose that the content owner is a user of content, as claimed by Applicant in the amended claims. Moreover, the distinction

between a content owner and a content user is well-known in the art, so Applicant's claimed user of content cannot be properly equating with the owner of the content.

Alternatively, if the Examiner is interpreting Levy's end user as equivalent to Applicant's claimed client, Levy does not teach or suggest that an end user can redistribute data that comprises a content file, as claimed by Applicant in the amended claims. Instead, the end user in Levy can only redistribute metadata. Levy does not teach or suggest that an end user can become a licensed distributor of the content itself.

Accordingly, Applicant respectfully submits that the invention claimed in claims 1, 2, 4, 7-11, 14-21, 24-28, 30, 31, 33, 36-40 and 43-50 is not anticipated by Levy under 35 U.S.C. § 102(e) and respectfully requests the withdrawal of the rejection of the claims.

### **SUMMARY**

Claims 1, 2, 4, 7-11, 14-21, 24-28, 30, 31, 33, 36-40 and 43-50 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x3476.

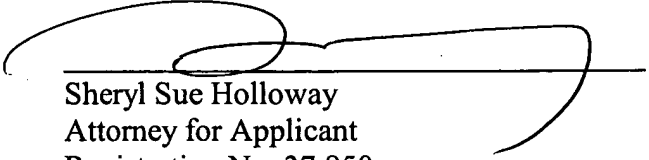
**Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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